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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,866	08/10/2006	Gyorgy Miklos	P18764-US1	7295
27045	7590	04/24/2009		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				
EXAMINER				
WOO, KUO-KONG				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
04/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,866

Applicant(s)

MIKLOS ET AL.

Examiner

KUO WOO

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/28/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is response to the communication filed on January 28, 2009.
2. Claims 25-48 are pending in this action. Claims 25, 33 and 44 have been amended.
3. Applicant's arguments with respect to claims 25-48 have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

4. Applicants have amended the specification. Accordingly, the objection to the disclosure of Description of Preferred Embodiment is withdrawn.
5. Applicants have rewritten the title in response to the objection to the specification for having an insufficiently descriptive title. The specification has no embodiments to support "hard" handover scheme in the invention. Examiner respectfully submits that the amended title no different with the previous title. While Examiner withdraws the objection to the specification on this basis, Applicants are advised that, in the event the application proceeds to allowable, Examiner may submit an Examiner Amendment to provide a sufficiently descriptive title. See MPEP 606.01. **Examiner May Require Change in Title.** The following title is suggested: "Fast Handover Scheme in Cellular Communications System".
6. Applicant has amended claims 25 and 33 in response to the rejection of that claim under 35 U.S.C. 102(B) as being anticipated by Cheng et al., and claims 44 as being anticipated by Schramm et al. However, the amendment is

Art Unit: 2617

insufficient to overcome the rejection. Examiner had addressed **every** limitation of a claimed invention and primary reference Cheng teaches (in the reverse link (uplink) to only one cell at a time instead of all active set members) and selected and identified by mobile station as Applicant invention claimed.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 25, 33 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng et al. (U.S. Patent Application Number 20030224774 A1).

Regarding claim 25, "selecting an active set of base stations from a plurality of base stations, wherein each base station in said active set is capable of providing parallel radio links with a mobile station" Cheng teaches (¶¶ 06, a process and system for the transmission of data packets on a reverse link between a mobile station and a group of selectable cells (base stations or sectors);

"Transmitting a packet uplink from the mobile station" (¶¶06, the transmission of data packets on a reverse link between a mobile station and

Art Unit: 2617

group of selectable base stations or sectors), wherein reverse (uplink) link and selectable base station was included in the active set;

"Selecting one radio base station from the active set of base stations based upon said quality measures (§10, the cells may in accordance with IS-2000 and the data packets in the reverse link between the mobile station and die cells may be CDMA encoded in accordance with IS-2000. The acknowledgements may be in accordance with the hybrid automatic repeat request (H-ARQ) protocol) and (Control information may be transmitted with the acknowledgments and may comprise congestion control or power control information) and (selection of the cells by the mobile station may be in accordance with 3GPP or 3GPP2), wherein quality measures are pending on power control and ARQ protocol information in according with 3GPP or 3GPP2);

"transmitting information on the selected base station uplink from the mobile station" (§135, if the reverse link should be transferred to the new selected cell b, the switching status indicates on the Reverse Channel Quality Indicator channel for the selected cell b also occur), Wherein the quality of link is measured on selected base station (Cell b);

"Forwarding the data packet on a fixed link from the selected radio base station" (§117, the base station controller (BSC) uses a radio link protocol, such as the indicated RLP3 and contains a selection and distribution unit SDU. The BSC is connected to a packet data serving node PDSN), wherein selected base station (cell b) is connected to PDSN (fixed link from base station). Cheng has revealed every element, or limitation of claim 25. The prior art recites handover

Art Unit: 2617

process from first base station to second base station and how to measure and select the cell and connect to BSC and Cheng's invention is not using any conventional combiner in the fixed portion of the network. Cheng discloses base station selection, link measurement, and forward received packets to the fixed portion of the network (PDSN). Therefore, claims 25 and 33 under 35 U.S.C.102 (b) as being anticipated by Cheng is maintained.

Regarding claim 44, "means for detecting information from the mobile station that identifies on a specific base station selected by said mobile station for forwarding said received packet" Cheng discloses (§§ 06,10, and 17 where specific cell b base station as selected and forward to BSC and PDSN fixed network);

"Means for selectively forwarding the received packet further in a connected radio network only when said detecting means detects that the base station is identified as being selected by said mobile station." Cheng teaches (§ 18, The invention limits the supplemental channel data reception/decoding in the reverse link to only one cell at a time instead of all active set members, which are used during the soft handoff), wherein only one cell is identified and selected by said mobile station.

9. Applicant has argued that claims 28, 29, 38, 40 and 43 are patentable over the prior art due to their dependence upon claim 25, as appropriate. This argument is rendered moot in view of the discussion give the above claims 25, 33 and 45, accordingly, the rejections of 28, 29, 38, 40 and 43 are under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Longoni et al; claims 27,31,32 and 39 as being unpatentable over Cheng in view of Baker et al; claims

34 and 35 as being unpatentable over Cheng in view of Love et al; claims 46 and 47 as being unpatentable over Cheng in view of Haas; and claim 48 as being unpatentable over Cheng in view of Kondo, are maintained.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUO WOO whose telephone number is

Art Unit: 2617

(571)270-7266. The examiner can normally be reached on Monday through Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KUO WOO/

Examiner, Art Unit 2617

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617